

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

County of Los Angeles

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June 29, 2005

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

Proposition 69 DNA Identification Fund Procedures (All Districts Affected – 4 Votes)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the enclosed appropriation adjustment to authorize expenditures from the local DNA Identification Fund, and approve the DNA Identification Fund Procedure in order to reimburse law enforcement agencies and the Probation Department for taking DNA samples.
2. Delegate authority to the Auditor Controller to disburse funds from the local DNA Identification Fund in accordance with Proposition 69 – DNA Identification Fund procedures.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

With passage of the Proposition 69 (The DNA Fingerprint Act) on November 2, 2004, the Los Angeles County Auditor-Controller established a DNA Identification Fund. One dollar (\$1.00) of every ten dollars (\$10.00) of penalty assessment paid on traffic and criminal fines is deposited into the fund by the Superior Courts. At the recommendation of the Proposition 69 DNA Implementation Task Force, the Countywide Criminal Justice Coordination Committee at its March 16, 2005 meeting approved the attached DNA Identification Fund Procedures for reimbursing law enforcement agencies and the Probation Department for the costs of taking DNA samples in the County of Los Angeles.

The Auditor-Controller will reimburse law enforcement agencies \$30.00 for each DNA sample collected to the extent possible. This newly created fund will require a period for the penalty assessment fines to accumulate. As fund balance accumulates, unpaid claims will be processed.

CHAIR:

Honorable Gloria Molina
Chair, LAC Board of Supervisors
CHAIR PRO TEM:
Honorable Leroy D. Baca
Sheriff, County of Los Angeles

The \$30.00 amount was recommended by the State and adopted by the DNA Implementation Task Force. Under the initiative the State will receive 70 percent of the funds collected for the first two years (2005 & 2006). Year three (2007) the State will receive 50 percent and in year four (2008) 25 percent of the funding. Thereafter the funding level will remain 75 percent local and 25 percent State.

The County Board of Supervisors is legally obligated to: ¹

- I. Establish a DNA Identification Fund in county treasury, and into it deposit all surcharge money collected from fines, penalties, and forfeitures in criminal cases. (Govt. Code, § 76104.6(a))
 - A. Keep monies and interest in the Fund separate from any funds subject to transfer or division under Penal Code Section 1463. (Govt. Code, § 76104.6(b)(1))
 - B. On the last day of each calendar quarter of 2005 and 2006, transfer 70 % of the amount collected (including interest) to the State Controller for deposit in the State's DNA Identification Fund. (Govt. Code § 76104.6(b)(2))
 - C. On the last day of each calendar quarter of 2007, transfer 50% of the amount collected (including interest) to the State Controller for deposit in the State's DNA Identification Fund. (Govt. Code § 76104.6(b)(2))
 - D. On the last day of each calendar quarter of 2008 on, transfer 25% of the amount collected (including interest) to the State Controller for deposit in the State's DNA Identification Fund. (Govt. Code, § 76104.6(b)(2))
- II. The funds remaining in the county account after transfer must be used to reimburse local law enforcement for DNA collection expenses and verification of offender/arrestee identity and qualifying status expenses, and to reimburse local and state crime laboratories for evidence analysis and storage costs. (Govt. Code, § 76104.6(b)(3)).
- III. Beginning in 2005, submit an annual report to the Legislature and DOJ on or before April 1. Include the total amount of money collected and allocated under this law, as well as expenditures for DNA collection, offender/offense verification, and DNA laboratory analysis and storage. (Govt. Code § 76104.6(c).)

¹ The DNA Fingerprint, Unsolved Crime and Innocence Protection Act, Agency Responsibilities Publication by CADOJ and Attorney General, Bill Lockyer, dated March 17, 2005.

Implementation of Strategic Plan Goals

This program supports Strategic Objective 3.3.5 to pursue a programmatic goal of ensuring the public safety and security of County residents.

Fiscal Impact/Financing

No net County costs. Indirect costs may occur in the early years of implementation. The local funding in the first two years is estimated to be \$2 million per year which will fund approximately 66,600 samples per year. The estimated number of offenders subject to DNA collection pursuant to Proposition 69 in Los Angeles County for 2005 and 2006 is approximately 60,000. The local funding is sufficient to cover the direct costs of collection.

Impact on Current Services

Ultimately, this initiative should have a positive impact on the entire criminal justice system and result in cost savings.

The following factors support this conclusion:

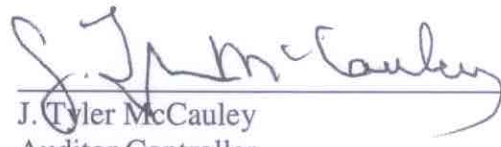
- Persons subject to DNA collection are only required to be sampled one time. Once a person has had his/her DNA and print impressions taken, there should be no subsequent collection. Given the high recidivism rates, the population requiring sampling will decrease over time.
- The cost benefits of DNA data banks to law enforcement investigators, prosecutors, victims and the falsely accused must be taken into consideration in allocating resources to DNA collection and analysis.
- DNA collection from all convicted felons, rather than just sex offenders and serious violent crimes, should result in a monumental amount of violent crimes being solved. Statistics show that as many as half of the criminals that commit violent crimes have non-violent criminal histories².


² See Virginia at www.dcjs.virginia.gov/forensic/information/dna/cfm; Great Britain at Forensic Science Service, Great Britain, 2003-2004 Annual Report, www.forensic.gov.uk

- Solving a crime, and solving it quickly, has a direct effect on preventing additional crimes by the same perpetrator. An offender who is not apprehended in a timely manner remains free to commit more crimes. Comprehensive all-felon data banks and well-funded DNA programs in Virginia, Florida, New York and Great Britain have demonstrated the cost savings from law enforcement's use of DNA data banks in solving crimes quickly and thereby, preventing future crimes³.
- DNA collection from all convicted felons will reduce the occurrence of innocent people who are wrongly suspected, arrested and convicted of crimes they did not commit.

Respectfully Submitted,


Steve Cooley, District Attorney
Chair, Prop 69 Implementation Task Force


J. Tyler McCauley
Auditor Controller


PEGGY SHUTTLEWORTH
Executive Director
Countywide Criminal Justice Coordination Committee

PS:cgm

Enclosures

c: Mr. David Janssen, Chief Administrative Officer
Ms. Violet Varona-Lukens, Executive Officer, Board of Supervisors

³ Wickenheiser, R.A., "The Business Case for Using Forensic DNA Technology to Solve and Prevent Crime", J. Biolaw & Business, Vol. 7, No. 3, 2004; "DNA in Minor Crimes Yields Major Benefits in Public Safety", U.S. Department of Justice, www.ojp.usdoj.gov, 2004; Lovrich, N.P., "National Forensic DNA Study Report", www.ojp.usdoj.gov/nij/pdf/dna_studyreport_final.pdf, 2003; Asplen, C., "The Application of DNA Technology in England and Wales", www.ojp.usdoj.gov/nij/pdf/uk_finaldraft.pdf, 2003.



Countywide Criminal Justice Coordination Committee

County of Los Angeles



Supervisor Gloria Molina, Chair
Sheriff Leroy Baca, Vice Chair

Peggy Shuttleworth, Executive Director

March 31, 2005

PROPOSITION 69 – DNA IDENTIFICATION FUND PROCEDURES

Background

The Los Angeles County Superior Court collects the penalties imposed by Proposition 69 and deposits them into the County's DNA Identification Fund. The County Auditor-Controller monitors the collection activity that is reported from 25 branch locations of the Superior Court.

Distribution of Collections

For each calendar quarter (starting with the quarter ending March 31, 2005) the County Auditor-Controller is required to transfer specified percentages of the DNA Identification Fund to the State. The applicable percentages to be sent to the State are as follows:

Quarterly periods related to Calendar Years 2005 and 2006:	70%
Quarterly periods related to Calendar Year 2007	50%
Quarterly periods related to Calendar Year 2008 and thereafter	25%

Interest revenue that has been collected by the DNA Identification Fund will also be remitted to the State in the same manner prescribed above.

Local DNA Identification Fund

The County has established a *Local* DNA Identification Fund (*Local* Fund) that will receive the collections that remain in the DNA Identification Fund after the required transfers to the State have been made. The amounts in the *Local* Fund earn interest and are available to reimburse the eligible costs of local agencies. Disbursements from the local fund are subject to the appropriation and approval of the County Board of Supervisors.

Local Reimbursement Requests

The Proposition 69 Implementation Task Force recommends that amounts available in the Local Fund be used to reimburse the costs of DNA samples at a rate of \$30 per sample. The County intends to rely on the DNA Offender Tracking System (DOTS) to identify the DNA samples that were recorded each quarter and the local agencies associated with such samples. Based on this information, the County Auditor-Controller will calculate reimbursement at \$30 per sample. (The \$30 rate is the reimbursement rate that is currently used by the State Department of Justice).

If the required information from DOTS is not available, local agencies will submit reimbursement claims in a manner prescribed by the Auditor-Controller.

Upon approval of the Board of Supervisors, the Auditor-Controller will begin to distribute amounts from the *Local* Fund to eligible agencies. The initial period of accepting reimbursement claims and distributing funds will be from November 3, 2004 through the end of the quarterly period in which the Board of Supervisors authorizes the use of funds. Subsequent claiming and distributions will be made on a quarterly basis.

Availability of Cash in *Local* Fund

If there is sufficient cash in the *Local* Fund, the Auditor-Controller will pay the full amount of each claim. If there is insufficient cash available, the Auditor-Controller will pay claims proportionate to each agency's share of total claims. Unpaid claim balances will be maintained by the Auditor-Controller and carried forward to subsequent quarters. The intent of the policy is to ensure that past due claims are eventually reimbursed once sufficient funds become available.

Financial Reporting

The Auditor-Controller will prepare quarterly reports of financial activity for both the DNA Identification Fund and the *Local* Fund. These reports will indicate all Court collections deposited into the Fund, the amounts distributed to the State, the amounts distributed to the *Local* Fund, payments made to local agencies, and amounts owed to local agencies, if any. The reports will be furnished to the Proposition 69 task force and all other interested parties.